

Section 94-38(d)(6) – Variance Standards

As provided in Chapter 166, Florida Statutes, to authorize any variance from the provisions of the Zoning and Land Development Regulations, the application must be determined by the review authority that the application be consistent with the criteria for granting variances listed below, according to Article II, Section 94-38(d)(6) of the City of West Palm Beach Zoning and Land Development Regulations.

- A. The special conditions and circumstances exist which are peculiar to the land, structure or building involving and which are not applicable to other lands, structures or building in the same zoning district.
- B. The special conditions and circumstances necessitating the variance do not result from the action of the applicant.
- C. The granting of a variance requested will not confer on the applicant any special privilege that is denied to other lands, building or structures in the same zoning district.
- D. The literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would work unnecessary and undue hardship on the applicant.
- E. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure.
- F. The granting of a variance will be in harmony with the general intent & purpose of these regulations and the Comprehensive Plan.
- G. The variance will not be injurious to the area involved or otherwise detrimental to the public welfare.
- H. The property cannot be put to a reasonable use which fully complies with the requirements of this Code.
- I. The nonconforming use of the neighboring lands, structures or building in other zoning districts shall not be considered grounds for the authorization of a variance.
- J. Financial hardship is not the only evidence of a hardship considered in the authorization of a variance.